

UNITED STATES CIVIL SERVICE COMMISSION

FEDERAL PERSONNEL MANUAL SYSTEM

LETTER

FPM LETTER NO. 551-3

Washington, D.C. 20415

August 29, 1974

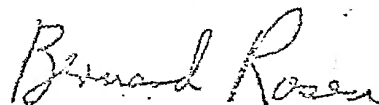
SUBJECT: Prohibition on Payment of Overtime Pay Under the Fair
Labor Standards Act to Employees While Assigned for Training

Heads of Departments and Independent Establishments:

Since the enactment of the Fair Labor Standards Amendments of 1974 (Public Law 93-259) on April 8, 1974, the Commission has received many inquiries from agencies concerning the effect of that legislation upon the prohibition of payment of overtime pay which appears in section 4109(a) of title 5, United States Code, to an employee while assigned for training.

Specifically, the question raised by these inquiries is whether employees who have become eligible for overtime pay by the provisions of the Fair Labor Standards Act are still subject to the prohibition on overtime pay in 5 U.S.C. 4109(a).

It has been determined that the language in 5 U.S.C. 4109(a) prohibits the payment of overtime pay to an employee selected and assigned for training, for the period of training, regardless of whether the employee's eligibility for overtime pay is based on provisions found in title 5 of the United States Code, or based on the Fair Labor Standards Act, as amended by Public Law 93-259. (Please note, however, that the exceptions to that prohibition, found in Civil Service Regulations 410.602(b) continue to be applicable to all employees under either statute.)



Bernard Rosen
Executive Director

INQUIRIES: (1) Bureau of Policies and Standards, Pay Policy Division,
63-25604 or Code 101, Ext. 25604 (on FLSA entitlement)
(2) Bureau of Training, Training Leadership Division 63-25647 or
Code 101, Ext. 25647 (on Training Policies)

CSC CODE 551, Pay Administration Under the Fair Labor Standards Act